

ESTTA Tracking number: **ESTTA710671**

Filing date: **11/24/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

|         |   |             |    |
|---------|---|-------------|----|
| Name    | Paige, LLC  |             |    |
| Entity  | limited liability company   | Citizenship | CA |
| Address | 10119 Jefferson Boulevard<br>Culver City, CA 90232<br>UNITED STATES |             |    |

|                      |  |
|----------------------|--|
| Attorney information | Rod S. Berman, Esq.<br>JEFFER MANGELS BUTLER & MITCHELL LLP<br>1900 Avenue of the Stars 7th Floor<br>Los Angeles, CA 90067<br>UNITED STATES<br>trademarkdock-<br>et@jmbm.com,docketing@jmbm.com,rx@jmbm.com,s1c@jmbm.com<br>Phone:3102038080 |
|----------------------|--|

### Applicant Information

|                        |  |                        |            |
|------------------------|--|------------------------|------------|
| Application No         | 86523146   | Publication date       | 10/27/2015 |
| Opposition Filing Date | 11/24/2015   | Opposition Period Ends | 11/26/2015 |
| Applicant              | H.M.S. Productions Inc.<br>250 West 39th Street<br>New York, NY 10018<br>UNITED STATES |                        |            |

### Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Clothing, namely, blouses, skirts, pants, sweaters, shirts, T-shirts, jackets, dresses, cardigans, socks, hats, gloves, scarves, camisoles, knit sportswear, namely, knit sports shirts, pullovers, and open cardigans, ponchos, jumpers, wovens, suits, tank tops, and blazers


### Grounds for Opposition

|                                      |                            |
|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
|--------------------------------------|----------------------------|


### Marks Cited by Opposer as Basis for Opposition


|                       |                     |                       |            |
|-----------------------|---------------------|-----------------------|------------|
| U.S. Registration No. | 3301653             | Application Date      | 07/08/2004 |
| Registration Date     | 10/02/2007          | Foreign Priority Date | NONE       |
| Word Mark             | PAIGE PREMIUM DENIM |                       |            |

|                     |  |
|---------------------|--|
| Design Mark         |    |
| Description of Mark | NONE   |
| Goods/Services      | Class 025. First use: First Use: 2005/01/15 First Use In Commerce: 2005/01/15 Clothing, namely jeans, pants, overalls, skirts, dresses, shirts, t-shirts, vests, jackets, coats, underwear, loungewear, sleepwear, scarves, belts, all of the foregoing of denim; headwear, namely hats, caps, and visors, all of the foregoing of denim |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3308211  | Application Date      | 07/08/2004 |
| Registration Date     | 10/09/2007   | Foreign Priority Date | NONE       |
| Word Mark             | PAIGE  |                       |            |
| Design Mark           |    |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 018. First use: First Use: 2006/02/28 First Use In Commerce: 2006/02/28 satchels |                       |            |


|                       |                     |                       |            |
|-----------------------|---------------------|-----------------------|------------|
| U.S. Registration No. | 3495555             | Application Date      | 01/30/2008 |
| Registration Date     | 09/02/2008          | Foreign Priority Date | NONE       |
| Word Mark             | PAIGE PREMIUM DENIM |                       |            |

|                     |  |
|---------------------|--|
| Design Mark         |                            |
| Description of Mark | The mark consists of a rectangular box with rough edges with the words "PAIGE PREMIUM DENIM" inside the box. |
| Goods/Services      | Class 025. First use: First Use: 2004/09/30 First Use In Commerce: 2005/02/01 Jeans                          |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3566793   | Application Date      | 02/20/2008 |
| Registration Date     | 01/27/2009  | Foreign Priority Date | NONE       |
| Word Mark             | PAIGE   |                       |            |
| Design Mark           |                         |                       |            |
| Description of Mark   | The mark consists of the word "PAIGE".  |                       |            |
| Goods/Services        | Class 025. First use: First Use: 2004/09/30 First Use In Commerce: 2005/02/01 Jeans; Shorts; Skirts; Shirts |                       |            |

|                       |            |                       |            |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 4046193    | Application Date      | 07/08/2004 |
| Registration Date     | 10/25/2011 | Foreign Priority Date | NONE       |
| Word Mark             | PAIGE      |                       |            |

|                     |   |
|---------------------|---|
| Design Mark         |   |
| Description of Mark | NONE  |
| Goods/Services      | Class 025. First use: First Use: 2005/01/17 First Use In Commerce: 2005/01/17 Clothing, namely, jeans, pants, leggings, skirts, dresses, shirts, t-shirts, tank tops, jackets |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 4128766  | Application Date      | 08/23/2011 |
| Registration Date     | 04/17/2012   | Foreign Priority Date | NONE       |
| Word Mark             | PAIGE  |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 025. First use: First Use: 2005/09/16 First Use In Commerce: 2005/09/16 Shorts |                       |            |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 4237703  | Application Date      | 04/19/2012 |
| Registration Date     | 11/06/2012   | Foreign Priority Date | NONE       |
| Word Mark             | PAIGE  |                       |            |
| Design Mark           |  |                       |            |
| Description of Mark   | NONE   |                       |            |

|                |  |
|----------------|--|
| Goods/Services | Class 025. First use: First Use: 2011/04/27 First Use In Commerce: 2011/04/27<br>Shoes |
|----------------|--|

|                       |         |                  |            |
|-----------------------|---------|------------------|------------|
| U.S. Registration No. | 4265350 | Application Date | 08/17/2011 |
|-----------------------|---------|------------------|------------|

|                   |            |                       |      |
|-------------------|------------|-----------------------|------|
| Registration Date | 12/25/2012 | Foreign Priority Date | NONE |
|-------------------|------------|-----------------------|------|

|           |                         |
|-----------|-------------------------|
| Word Mark | Â· PAIGE Â· LOS ANGELES |
|-----------|-------------------------|

|             |   |
|-------------|---|
| Design Mark |  |
|-------------|---|


|                     |   |
|---------------------|---|
| Description of Mark | The mark consists of a circle containing the word "PAIGE" curving around the top of the circle and the wording "LOS ANGELES" curving around the bottom of the circle. There is a dot between the word "PAIGE" and "LOS" and the word "PAIGE" and "ANGELES". |
|---------------------|---|

|                |   |
|----------------|---|
| Goods/Services | Class 025. First use: First Use: 2011/12/01 First Use In Commerce: 2011/12/01<br>Clothing and apparel, namely, jeans, pants, bottoms, shorts, tops, jackets |
|----------------|---|

|                       |         |                  |            |
|-----------------------|---------|------------------|------------|
| U.S. Registration No. | 4289790 | Application Date | 08/17/2011 |
|-----------------------|---------|------------------|------------|

|                   |            |                       |      |
|-------------------|------------|-----------------------|------|
| Registration Date | 02/12/2013 | Foreign Priority Date | NONE |
|-------------------|------------|-----------------------|------|

|           |                             |
|-----------|-----------------------------|
| Word Mark | PAIGE DENIM CO. LOS ANGELES |
|-----------|-----------------------------|

|                     |   |
|---------------------|---|
| Design Mark         |   |
| Description of Mark | The mark consists of a circle containing the wording "PAIGE DENIM" curving around the top of the circle with the word "CO." centered below the wording "PAIGE DENIM CO." and the wording "LOS ANGELES" curving around the bottom of the circle. |
| Goods/Services      | Class 025. First use: First Use: 2011/12/01 First Use In Commerce: 2011/12/01 Clothing and apparel made in whole or part of denim, namely, jeans, pants, bottoms, shorts, tops, jackets   |

|             |   |
|-------------|---|
| Attachments | 78448029#TMSN.png( bytes )<br>78447492#TMSN.png( bytes )<br>77384164#TMSN.png( bytes )<br>77401849#TMSN.png( bytes )<br>78447486#TMSN.png( bytes )<br>85404560#TMSN.png( bytes )<br>85603176#TMSN.png( bytes )<br>85400398#TMSN.png( bytes )<br>85400418#TMSN.png( bytes )<br>Paige LLC Notice of Opposition to MELISSA PAIGE in the name of HMS Productions.pdf(184811 bytes ) |
|-------------|---|

### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

|           |                     |
|-----------|---------------------|
| Signature | /Rod S. Berman/     |
| Name      | Rod S. Berman, Esq. |
| Date      | 11/24/2015          |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

PAIGE, LLC,

Opposer,

v.

H.M.S. Productions Inc.,

Applicant.

Opposition No. \_\_\_\_\_

Application Serial No. 86/523146

Mark: MELISSA PAIGE

Date of Publication: October 27, 2015

Our ref.: 66884-0091

**NOTICE OF OPPOSITION**

1. Opposer PAIGE, LLC ("Opposer"), a California corporation having a mailing address located at 10119 Jefferson Boulevard, Culver City, California 90232, believes that it will be damaged by the registration on the Principal Register of the mark MELISSA PAIGE that is the subject of federal Trademark Application Serial No. 86/523146 (the "Application"), allegedly owned by H.M.S. Productions Inc. ("Applicant") in connection with goods in International Class 25 as identified in the Application, and Opposer hereby opposes registration thereof.

As grounds for this Opposition, Opposer alleges that:

2. Opposer is the owner of the mark PAIGE (Opposer's Mark), and its variations, for various goods.

3. Opposer is the owner of record of U.S. Reg. Nos. 3308211, 3301653, 3495555, 3566793, 4046193, 4,128,766, 4237703, 4265350, and 4289790<sup>1</sup>, particulars of which are listed in the enclosed Schedule A. Opposer's registrations are valid and subsisting.

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<sup>1</sup> The Opposer's name change to PAIGE, LLC was recorded with the USPTO for these registrations on November 10, 2015 at Reel/Frame: 5666/0004.

4. On information and belief, Applicant's principal place of business is located at 250 West 39th Street, New York, NY 10018.

5. On information and belief, Applicant is the owner of record of U.S. Trademark Application Serial No. 86/523146, filed on February 3, 2015, for the mark MELISSA PAIGE for use in connection with *clothing, namely, blouses, skirts, pants, sweaters, shirts, t-shirts, jackets, dresses, cardigans, socks, hats, gloves, scarves, camisoles, knit sportswear, namely, knit sports shirts, pullovers, and open cardigans, ponchos, jumpers, woven tops, suits, tank tops, and blazers* in International Class 25 ("Applicant's Mark").

6. Since long prior to February 3, 2015, the earliest date of first use claimed in Applicant's Application, Opposer has used, widely advertised and promoted Opposer's Mark in connection with its goods, including, inter alia, *clothing and apparel*.

7. Prior to February 3, 2015, Opposer's Mark became and is still well known and exclusively associated with Opposer in the United States. Because of these efforts, and by virtue of the excellence and success of the goods offered and provided by Opposer under Opposer's Mark, Opposer has built up a valuable reputation and tremendous goodwill in Opposer's Mark, which goodwill belongs exclusively to Opposer.

8. Applicant's Mark so resembles Opposer's Mark so as to be likely, when used in connection with Applicant's goods, to cause confusion, or mistake, or deception.

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9. WHEREFORE, in accordance with Section 13 of the Trademark Act (15 U.S.C. § 1063), Opposer prays that this Opposition be sustained and that Application Serial No. 86/523146 be refused.

Respectfully submitted,

Dated: November 24, 2015

/S/ ROD S. BERMAN  
Rod S. Berman, Esq.  
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E-mail: trademarkdocket@jmbm.com  
Attorneys for Opposer PAIGE, LLC

**CERTIFICATE OF SERVICE**

It is hereby certified that on **November 24, 2015**, a copy of the foregoing NOTICE OF OPPOSITION has been sent by first class mail, postage prepaid to Opposer at the correspondence address of record in the Patent and Trademark Office:



John T. Gabrielides  
Brinks Gilson & Lione  
P.O. Box 10395  
Chicago, Illinois 60610-0395  
Phone: 312-321-4200  
Email: [officeactions@brinksgilson.com](mailto:officeactions@brinksgilson.com)





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**SCHEDULE A**

| REG. NO. | MARK  | INT. CL. | GOODS  | REG. DATE     |
|----------|---|----------|--|---------------|
| 3301653  | PAIGE PREMIUM DENIM   | 25       | Clothing, namely jeans, pants, overalls, skirts, dresses, shirts, t-shirts, vests, jackets, coats, underwear, loungewear, sleepwear, scarves, belts, all of the foregoing of denim; headwear, namely hats, caps, and visors, all of the foregoing of denim | Oct. 02, 2007 |
| 3308211  | PAIGE   | 18       | satchels   | Oct. 09, 2007 |
| 3495555  |  | 25       | Jeans  | Sep. 02, 2008 |
| 3566793  |  | 25       | Jeans; Shorts; Skirts; Shirts  | Jan. 27, 2009 |
| 4046193  | PAIGE   | 25       | Clothing, namely, jeans, pants, leggings, skirts, dresses, shirts, t-shirts, tank tops, jackets  | Oct. 25, 2011 |

| REG. NO. | MARK  | INT. CL. | GOODS   | REG. DATE     |
|----------|---|----------|---|---------------|
| 4128766  | PAIGE   | 25       | Shorts  | Apr. 17, 2012 |
| 4237703  | PAIGE   | 25       | Shoes   | Nov. 06, 2012 |
| 4265350  |  | 25       | Clothing and apparel, namely, jeans, pants, bottoms, shorts, tops, jackets                                | Dec. 25, 2012 |
| 4289790  |  | 25       | Clothing and apparel made in whole or part of denim, namely, jeans, pants, bottoms, shorts, tops, jackets | Feb. 12, 2013 |